



STATE OF SOUTH CAROLINA DEPARTMENT OF EDUCATION

MOLLY M. SPEARMAN
STATE SUPERINTENDENT OF EDUCATION

MEMORANDUM

TO: District Superintendents

FROM: Darlene Prevatt
Team Leader, Office of Federal and State Accountability

DATE: June 25, 2018

RE: State Board of Education's Waiver Process

The South Carolina Department of Education (SCDE) supports innovations that provide for increased student achievement through college-and-career-ready programs to meet the vision of the [Profile of the South Carolina Graduate](#). Occasionally, state statutes, State Board of Education (SBE) regulations, or SCDE policies may seem to impede the implementation of educational innovations. When this occurs, State Accountability is able to present waiver requests before the SBE.

The SBE has the authority to waive regulations pursuant to R. 43-261 (C) District and School Planning which states:

Upon request of a district board of trustees or its designee, the State Board of Education may waive any regulation that would impede the implementation of an approved district strategic plan or school renewal plan. The State Board of Education may delegate to the State Superintendent the ability to waive regulatory requirements for similarly situated school districts and schools.

Generally, state statutes may not be waived unless the statute explicitly grants the SBE authority to do so. Note, however, that districts may apply to their local boards and the SBE to create a school of choice exempt from many state statutes through S.C. Code §59-19-350.

Districts requesting permission to allow students to earn the physical education graduation credit through marching band, must submit an Innovative Course Application. More information on the application can be found at: <https://ed.sc.gov/districts-schools/state-accountability/flexibility/>.

Waiver Process

- All waivers must be requested in writing, signed by the local superintendent, and approved by the local school board. The waiver request must include the specific performance goals from the district's or school's plan which is being impeded by the regulation.
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- Certain waivers previously approved by the SBE may be granted to other districts. State Accountability makes monthly reports to the SBE on all approved waivers.
- Generally, waiver requests are granted for the duration of the district's Strategic Plan. A district may have to produce documentation related to a previously approved waiver in order to proceed for subsequent years.
- SBE meetings are held on the second Tuesday of most months. The SBE's Policy and Legislative Committee (morning) reviews all waiver requests and then the waivers are put forth to the full SBE (afternoon). District and/or school representatives are welcome to attend the SBE meetings and may also speak about their waiver.
- Waiver requests must be submitted to State Accountability **60 days** prior to the SBE meeting date. This time allows for processing and gives SBE members time to review the requests in advance. Please reference the chart below.

Written Waiver Request Due Date	Earliest Possible Board Meeting Date*
June 16, 2018	August 14, 2018**
July 13, 2018	September 11, 2018
August 14, 2018	October 13, 2018
September 11, 2018	November 10, 2018
October 9, 2018	December 8, 2018
November 13, 2018	January 12, 2019
December 11, 2018	February 9, 2019
January 8, 2019	March 9, 2019
February 12, 2019	April 13, 2019
March 14, 2019	May 11, 2019
April 9, 2019	June 8, 2019
May 14, 2019	July 13, 2019**
June 11, 2019	August 10, 2019

If you wish to submit a waiver to the SBE or would like to explore whether a waiver is needed, contact one of the following:

Darlene Prevatt (Team Leader) (803) 734-3477, dprevatt@ed.sc.gov
 Nicole Ivery (803) 734-6268, nivery@ed.sc.gov
 Roy Stehle (Director) (803) 734-8118, rstehle@ed.sc.gov

* SBE Meetings for 2019 have not been posted, hence the dates are estimates only and are subject to change.

** Districts seeking waivers before the start of the 2018–19 school year are advised to have the request submitted as soon as possible.

*** In the event the July 13, 2019, meeting is not held, any waivers submitted within that time will be placed on the August 10, 2019, agenda.